

The Honorable Kymberly K. Evanson

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
EDUCATION, et al.,

Defendants.

NO. 2:25-cv-01228-KKE

DECLARATION OF JACK BAREILLES

**DECLARATION OF JACK BAREILLES**

I, Jack Bareilles, declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct:

1. I am Jack Bareilles of Northern Humboldt Union High School District. I am over the age of 18 and have personal knowledge of all the facts stated herein, including knowledge based on my experience and information provided to me. If called as a witness, I could and would testify competently to the matters set forth below.

2. I submit this Declaration in support of the Plaintiff States' Motion for Preliminary Injunction.

**Background**

3. I have been a teacher since 1991 with credentials in English, History, Life Science, Business and Multiple Subjects; an administrator since 2000 and have served as the Northern Humboldt Union High School District's Grants and Evaluation Administrator since around 2005. In my role with Northern Humboldt I have written, directed, evaluated and/or consulted on over 20 US Department of Education grants. Specific to school based counseling and mental health, my work has included: writing and evaluating three 2012 US Department of Education Elementary and Secondary School Counseling grants; writing and evaluating two 2014 US Department of Education School Climate Transformation grants; writing and directing a 2014 US Department of Education School Climate Transformation grant; planning and leading or co-leading both Northern Humboldt 2019 School Based Mental Health grants as well as writing and evaluating three similar grants in our region. I have served as local lead or on the leadership team of two Substance Abuse and Mental Health Administration Project AWARE grants, wrote and direct an active SAMHSA Mental Health Assistance and Training (MHAT) grant. I also help lead and support Northern

Humboldt UHSD and other local districts' efforts to participate in the California Children & Youth Behavioral Health Initiative (CYBHI) Fee Schedule program.

4. Northern Humboldt Union High School District was established in the late 19<sup>th</sup> century. The district has five schools that serve approximately 1,800 high school students in rural northern Humboldt County, California.

5. I lead and/or support projects focused on School Based Mental Health, supporting at-risk freshmen and sophomores, Career Technical Education, and Indian Education at Northern Humboldt Union High School District. Since 2002 I have served as Director of eight U.S. Department of Education (Department) FUNDED PROJECTS, during the George W. Bush, Obama, first Trump, Biden and now second Trump presidential administration. My Department-funded projects have included history and civics education, school based mental health, teacher performance-based pay and school change, and Education Innovation and Research. Besides serving as Project Director for eight funded Department grants, I have served as evaluator for over 20 additional Department grants/cooperative agreements in Humboldt County through my role as the Grants and Evaluation Administrator for Northern Humboldt Union High School District.

6. This includes my role as director for Redwood Coast Mental Health Service Professional Demonstration Grant, which the Department funded under the Mental Health Service Professional Demonstration Grant Program (Demo).

**The Department's Funding and Discontinuance of Redwood Coast Mental Health Service Professional Demonstration Grant**

7. The Mental Health Service Professional Demonstration Grant (MHSP) supports candidates for school-based mental health professions, including school psychology, and provides training opportunities for students in rural and other high-needs local educational agencies (LEAs) (also referred to as school districts). MHSP facilitates partnerships between high-needs school districts and institutions of higher education, allowing opportunities for practicum students and interns to obtain required clinical supervision and increase additional children and youth's access to school mental health services.

8. Northern Humboldt Union High School District applied for a multi-year MHSP grant on 1/27/2023.

9. In its application, Northern Humboldt Union High School District explained the need for additional school based Mental Health Service Providers in our region. Humboldt is the fifth lowest earning county of California's 58 counties. This is reflected in high poverty rates (project school rates are 1.5x to 3x higher than state and national averages). Humboldt County, California has California's highest Adverse Childhood Experiences (ACEs) rate: 30.8% of adults report experiencing four or more ACEs versus 13% statewide and 11% nationally. Native American communities (Humboldt is home to California's largest Tribes and approximately 15% of NHUHSD students are American Indian) and low-income communities are particularly prone to ACEs. A 2013 study by the Area Health Education Center of Washington State University found students with three+ ACEs are 3x as likely to experience academic failure, six times as likely to have behavioral problems, and 5x as likely to have poor attendance.

Locally there is a severe shortage of licensed mental health service providers. Locally, public and private sector mental health services are scarce. It is not uncommon for families to travel over 200 miles each way to receive face-to-face services and therapy. State funding for mental health prevention/early intervention for young children and county mental health serve high-acuity (very poor) Medi-Cal children and adults, thus many local parents have serious unmet mental health conditions.

At the time of the application all local school based mental health staff/student ratios exceeded the recommended ratios for School Psychologists, Counselors, and Social Workers. At the time of the application the ratios were:

School Psychologists to students = 1 to 1,105

School Counselors to students = 1 to 584\*

School Social Workers to students = 1 to 2,708

\*The 30.1 Full Time Equivalent of school counselors includes 12.6 FTE of high school “academic” counselors who focus mainly on grades, transcripts and college applications.

The shortage is exacerbated by higher than average Special Ed rates resulting in significant staff time for meetings and assessments which encroaches on the precious time of school psychologists and other staff capable of providing mental health services. Nationally and in California, 13% of public-school students receive Special Education services. Over 17% of all Humboldt student receive Special Education services.

To meet that year’s MHSP program priorities, Northern Humboldt Union High School District proposed the following goals for its MHSP project:

Mental Health Service Professional Demonstration Grant Program-level Measures:

- (a) Unduplicated, cumulative number of school-based MHSPs trained by grantee under the project to provide school based mental health services in high need LEAs.
- (b) Unduplicated, cumulative number of school-based MHSPs placed in a practicum or internship by the grantee in high- need LEAs to provide school-based mental health services.
- (c) Unduplicated, cumulative number of school-based mental health services providers hired by high-need LEAs to provide school-based mental health services.
- (d) The number of grantees that met their goal of increasing the diversity of school-based MHSPs. # of diverse SPs.\*

\*Please note: Program Goal D was removed by the administration in spring 2025.

Redwood Coast Mental Health Service Professional Demonstration Grant Project Measures

- (a) Number of trainings and number of individuals trained
- (b) Number of students served by Grant-funded interns and staff
- (c) Sustain the program beyond Federal funding.

10. On March 30, 2023 the Department awarded Northern Humboldt Union High School District a Demo grant for the Redwood Coast Mental Health Service Professional Demonstration Grant, Award No. #S184X230063. The Grant Award Notification is attached as [Attachment 1]. The Department approved a multi-year grant performance period of January 1, 2023 to December 31, 2027 and authorized funding for the initial budget period of April 1, 2023 to December 31, 2023.

11. The Department granted continuation awards that funded subsequent budget periods. Most recently, the Department issued a Grant Notification Award, continuing funding for

this grant on December 18, 2024. The current budget period started on January 1, 2025 and ends on December 31, 2025. That document is attached as [Attachment 2].

12. Since the Department has awarded Northern Humboldt Union High School District this grant, we have met or exceeded all Program-level and Project goals.

**Programmatic Outcomes:**

| Metric  | Goal     | Actual (YTD) |
|---|----------|--------------|
| PPS-credentialed MHSPs hired  | 0.0 FTE  | 2.6 FTE      |
| Trainees graduated, credentialed and employed (through spring 2025) | 8.0 FTE  | 14.0 FTE     |
| Trainees currently in pipeline                                      | 14.0 FTE | 13.0 FTE     |
| 5-year goal   | 40.0 FTE | on track     |

**Student Impact:**

| Year          | Tier 1 | Tier 2 | Tier 3 | Target/Actual St. |      |
|---------------|--------|--------|--------|-------------------|------|
| <u>Served</u> |        |        |        |                   |      |
| YR1           | 893    | 245    | 197    | 235               | 1335 |
| YR2           | 2181   | 437    | 378    | 1140              | 2996 |

**California Healthy Kids (CHKS) Indicators Decreased from 2022-23 to 2024-25:**

- Emotional distress: decreased from 41% to 30%
- Chronic sadness/hopelessness: decreased from 41% to 30%
- Considered suicide: decreased from 23% to 12%

**Attendance Data:** Northern Humboldt Union High School District's student information system data shows a measurable increase in overall student attendance. This positive trend coincides with the implementation of the grant program, suggesting a correlation between improved mental health support and school engagement. According to the CDC, emotional distress is the source of approximately 90% of illness related absences, underscoring the critical role of accessible mental health care in supporting student well-being and academic participation. The daily attendance data for the district's two comprehensive high schools and the district's charter school is as follows:

| School  | 2022 | 2023 | 2024 |
|---------|------|------|------|
| AHS     | 87.0 | 90.2 | 91.4 |
| MHS     | 85.9 | 87.5 | 90.2 |
| SRCHS   | 85.3 | 89.3 | 88.8 |
| Average | 85.9 | 88.9 | 90.2 |

13. In my over 22 years of experience with US Department of Education grants, discontinuance of a project's funding is unheard of. Since 2022 I have written, directed, consulted and/or evaluated approximately 20 funded US Department of Education grants in Humboldt County through my role as the Grants and Evaluation Administrator for Northern Humboldt Union High School District. In my private capacity as an evaluator and consultant I have worked on 60 to 80 additional grants across the country. In all that time I have never had a US Department of Education project's funding discontinued or terminated. Nor have I heard of this being the case in the 15+ federal programs I have worked on. Not only is discontinuation unheard of, even a reduction in yearly funding due to a grantee not spending awarded funds in a timely manner, involves repeated written and verbal or video communication with the US Department of Education program officer.

14. This includes the totality of the first Trump Administration.

15. Not only am I unaware of grants being discontinued or terminated while in their performance period, to my knowledge, prior to 2025, discontinuance or termination was only possible in cases of misconduct, typically with prior notice and multiple opportunities to respond and correct any underlying issues.

16. Nevertheless, on April 29, the Department sent notice that Northern Humboldt Union High School District's MHSP award would be discontinued at the end of the grant's current budget period, which is December 31, 2025. Given that the Department originally approved this grant's performance period through December 31, 2027, Northern Humboldt Union High School District faces a loss of \$2,390,556 in prospective funding (\$1,190,870 in 2026 and \$1,199,686.00 in 2027).

17. Furthermore, according to the guidance in the April 29, 2025 notice of discontinuation, any funds not expended by December 31, 2025 would be taken back by the federal government. This is particularly concerning because Northern Humboldt Union High School District's 2025-26



school year runs from August 2025 to June 2026 and staff hired through the Redwood Coast Mental Health Service Professional Demonstration Grant are contractually employed from July 1 2025 to June 30, 2026. As such, they receive four paychecks in the autumn (September, October, November and December) which are within the time the notice of discontinuation stated grantees are allowed to use grant funds to pay for services. However, they are already contractually obligated to receive six paychecks in the first half of 2026 (January, February, March, April, May and June). Due to the discontinuation, the district only has access to federal funds for 40% of the school year but is contractually obligated to pay project staff for the entire school year. The Department's discontinuation notice is attached as [Attachment 3].

18. The notice came without any previous process or communication about the discontinuance from the Department. It purported to discontinue the grant based on 34 C.F.R. § 75.253(a)(5) and (f)(1). These regulations allow the Department to not continue a grant if it determines that continuation of the project is not in “the best interest of the Federal Government.” 34 C.F.R. § 75.253(a)(5); 34 C.F.R. § 75.253(f)(1). In making this determination, the Department limited its considerations to “any relevant information regarding grantees’ performance.” 34 C.F.R. § 75.253(b). However, this notice failed to cite anything regarding Northern Humboldt Union High School District's performance.

19. Rather it “determined that the grant specified above provides funding for programs that reflect the prior Administration's priorities and policy preferences and conflict with those of the current Administration.” It then went on in boilerplate fashion to list a mishmash of reasons, claiming the programs: “violate the letter or purpose of Federal civil rights law; conflict with the Department's policy of prioritizing merit, fairness, and excellence in education; undermine the well-being of the students these programs are intended to help; or constitute an inappropriate use

of federal funds.” Based on this boilerplate language, Northern Humboldt Union High School District has no way of knowing which reason(s) applied as the Department’s basis for discontinuing the MHSP grant for Redwood Coast Mental Health Service Professional Demonstration Grant.

**Harms from the Department’s Decision to Discontinue Northern Humboldt Union High School District’s Grant**

20. The discontinuance of Northern Humboldt Union High School District’s MHSP grant will end the Redwood Coast Mental Health Service Professional Demonstration Grant.

21. Although Northern Humboldt Union High School District can still access funding through the end of our current budget period on December 31, 2025, Northern Humboldt Union High School District is already experiencing the harmful effects of this discontinuance.

22. As noted earlier, the district is contractually obligated to receive six paychecks in the first half of 2026 (January, February, March, April, May and June). Due to the discontinuation, the district only has access to federal funds for 40% of the school year but is contractually obligated to pay project staff for the entire school year. This has already resulted in the discontinuation (effective July 1, 2025) of 2.0 FTE School Social Workers, 1.0 FTE teacher on special assignment School Climate Improvement Specialist.

23. Northern Humboldt Union High School District is actively piloting California’s Fee Schedule Reimbursement Model as a sustainability strategy that will allow PPS Credentialed school social workers, school counselors or school psychologists to defray the cost of their mental health services to students on MediCal or private insurance, but this new process has just begun in California and as per the original application and our subsequent efforts, making the shift to an

entirely new fee for service funding model requires continued grant funding to the end of the program to complete the transition successfully.

24. Moreover, if the Department does not rescind its discontinuation decision, hundreds of students per year will not receive proactive, evidence-based, school based mental health services necessary to help students successfully remain in secondary school – and thus successfully transition to post-secondary technical training, education and/or employment.

25. In addition, the project goal was to support 40 school based mental health service providers (MHSPs). So far 14 school psychologists, school social workers or school counselors or have completed their graduate program and earned their California Pupil Personnel Credentials and found work in high needs schools. Thirteen (13) more MHSPs are currently in the process of earning their master's and PPS credential. Discontinuation of funding will terminate support for the 13 MHSPs already enrolled in their master's and PPS credential programs and also result in a further 13 MHSPs not being supported to earn their master's degree and PPS Credentials. Over their careers this will result in thousands of students not being supported so they can succeed in school.

26. There is no way to recover lost time or restore continuity once disrupted, and staff who depart will take their training and expertise with them, requiring new investment in recruitment, hiring, and training.

27. Even if the Department were to re-bid MHSP funds, and Northern Humboldt Union High School District were to receive a new grant award, the harm would already be done. A new award's performance period would most likely begin on January 1, 2026 which means the staff who left the school will have already taken new jobs in the community (if available), or more often left our remote, rural region to work in more populated areas down south. Furthermore, even those

who have new local jobs, will be nervous at best, and more likely unwilling to take a grant funded position from the same district and same program that terminated their positions without warning just a few months earlier.

### **Conclusion**

28. The discontinuance of Northern Humboldt Union High School District MHSP grant undermines the district's strategic goals to "ensure all students, including lowest performing subgroups, achieve academic growth and proficiency necessary to succeed in college and career paths, ensuring their readiness upon graduation; and enhance and implement systems that foster a safe, equitable, and supportive environment conducive to growth and well-being for the school community" as well as the Department's "mission to ensure equal access to education and to promote educational excellence throughout the Nation." 20 U.S.C. § 1228a(a). These discontinuances make it harder to train and secure talent and to fund providers so that our children may access mental health services. To meet budgetary deadlines, Northern Humboldt Union High School District and its partners are making difficult decisions in the next few weeks and are already in the process of terminating staff positions that support these Programs. These harms are ongoing and will be irreparable if they are not stopped.

29. On June 25, 2025, Northern Humboldt Union High School District withdrew its request for reconsideration/objection/appeal.

30. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 30 day of June, 2025, at Eureka, California.



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Jack Bareilles  
Director, Redwood Coast Mental Health Service  
Professional Demonstration Grant  
Grants and Evaluation Administrator  
Northern Humboldt Union High School District